

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

MICHAEL WHEELOCK, et al

v.

C.A. No. 06 - 366 S

STATE OF RHODE ISLAND, et al.

**MEMORANDUM AND ORDER**

Plaintiffs Michael Wheelock, Luis Viveiros, Kenneth Wilson, and Ernest Hazard filed a motion to appoint counsel to represent them on an interlocutory appeal in the instant civil action.

In the appropriate case, the Court may request that an attorney represent a plaintiff in a civil action. However, there is no absolute constitutional right to a "free lawyer" in a civil case. DesRosier v. Moran, 949 F.2d 15, 23 (1<sup>st</sup> Cir. 1991). Absent exceptional circumstances, the Court can not appoint counsel in a civil matter. Id. At 23. Exceptional circumstances can include, *inter alia*, the merits of the case, the complexity of the legal issues, and the litigant's ability to represent himself. Id.

I have reviewed the plaintiffs' complaint, motions and responses that have been filed in this case. Here, the issues presented are not so complex that the plaintiffs are unable to represent themselves. Moreover, plaintiffs' filings demonstrate that they are able to present the facts and the issues themselves. Accordingly, plaintiffs' motion to appoint counsel is **DENIED**.

IT IS SO ORDERED.



Jacob Hagopian  
Senior United States Magistrate Judge

Date: Nov 7, 2006